

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
Plaintiffs,)
vs.) Case No. 4:16 CV 169 RWS
GREEN TRAC, LLC.,)
Defendant.)

MEMORANDUM AND ORDER

This matter is before me on plaintiffs' motion for contempt. On March 23, 2016, I entered a partial default judgment ordering defendant to provide plaintiffs delinquent reports for the months of August 2014 to date. According to plaintiffs' motion, defendant has failed and refused to comply with the default order, and its time for doing has now expired. However, plaintiffs' motion contains no statement of what efforts, if any, plaintiffs' counsel made to contact defendant and arrange for production of these reports prior to filing this motion. As a result, the motion will be denied without prejudice to being refiled, if necessary, after plaintiffs' counsel makes appropriate efforts to obtain the reports without Court intervention. Such efforts must include contacting defendant by telephone and certified mail. Any renewed motion shall be accompanied by an affidavit of counsel setting forth the good faith efforts made to contact defendant and resolve this issue without Court intervention, as well as a certification that this Memorandum and Order was served upon defendant as ordered.

Accordingly,

IT IS HEREBY ORDERED that the motion for contempt [10] is denied without prejudice to being refiled as set out above.

IT IS FURTHER ORDERED that plaintiffs' counsel shall serve a copy of this Memorandum and Order on defendant.

Sippel

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 31st day of May, 2016.